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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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10 NATALIE MARTEL,
11 Plaintiff,

No. C 11-02961 CRB

ORDER

12 v.

13 CAROLYN W. COLVIN,
Acting Commissioner of Social Security,
14 Defendant.
15 _____/

16 Pending before the Court is Plaintiff's motion for fees and costs pursuant to the Equal
17 Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), in connection with the Court's Order
18 remanding the Commissioner's final decision for reconsideration. See Mot. Fees (dkt. 37);
19 Order (dkt. 34). Defendant asserts that Plaintiff filed the motion prematurely because the
20 Commissioner's time to appeal the Court's Order had not yet expired, and so the Court's
21 judgment was not yet final for purposes of the EAJA. See Opp'n (dkt. 38) at 1 (citing 8
22 U.S.C. § 2412(d)(2)(G)). The Court finds that the Commissioner's time to appeal has since
23 elapsed. Accordingly, Defendants shall respond to the merits of Plaintiff's motion for fees
24 and costs no later than November 5, 2013. Plaintiff shall submit any reply no later than
25 November 12, 2013.

26 **IT IS SO ORDERED.**

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28 Dated: October 21, 2013



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE